IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.1083 OF 2001

Ibrahim Jusab Sopariwala .. Appellant

vs.

Municipal Corporation of
Gr. Bombay .. Respondent.

for the Appellant.
for the Respondent.

CORAM : A.S.OKA, J.
DATED : 2nd May, 2005.

P.C. :

1. Order dated 21.12.2001 passed by this Court reads thus:

> "Stand over to 28th January, 2002.
>
> The Appellant and the Respondent shall maintain status-quo in respect of the suit premises till further orders.
>
> The Respondent is at liberty to take proceedings under section 351 of the B.M.C. Act without prejudice to the notice under section 354-A of the B.M.C.Act.
>
> Parties to act on an ordinary copy of this order, duly authenticated by the P.S/Shreistedar of this Court."

This order is operating for a period of more than three years. Though this order was operating against the Respondent Corporation, no steps were

taken by the Respondent Corporation to move the Appeal before this Court.

2. The main suit is of the year 2001. No purpose will be served by keeping the appeal pending.

3. Hence Appeal is disposed of by directing that :

i) The parties will maintain status-quo in respect of the suit premises till disposal of the suit.

ii) Order of status-quo will not prevent the Respondent Corporation from taking action of demolition under Section 351 of the Bombay Municipal Corporation Act, 1888.

iii) All contentions of the parties on merits are kept open.

iv) Appeal is disposed of in above terms with no order as to costs.

. Parties to act on the authenticated copy of

this order.